

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Deon McEachron-Howell

**22 CV 07259**

Write the full name of each plaintiff.

CV

(Include case number if one has been assigned)

-against-

New York Presbyterian Hospital

Do you want a jury trial?

☒ Yes ☐ No

Write the full name of each defendant. The names listed above must be identical to those contained in Section I.

**EMPLOYMENT DISCRIMINATION COMPLAINT**

**NOTICE**

The public can access electronic court files. For privacy and security reasons, papers filed with the court should therefore *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number. See Federal Rule of Civil Procedure 5.2.

RECEIVED  
SDNY PRO SE OFFICE  
2022 AUG 25 PM 1:43

**I. PARTIES****A. Plaintiff Information**

Provide the following information for each plaintiff named in the complaint. Attach additional pages if needed.

<u>Deon</u>	<u>—</u>	<u>McEachron - Howell</u>
First Name	Middle Initial	Last Name
<u>47 Point Street, Apartment 2c</u>		
Street Address		
<u>Yonkers</u>	<u>N.Y.</u>	<u>10701</u>
County, City	State	Zip Code
<u>347 876 0503</u>	<u>deonmceachron@yahoo.com</u>	
Telephone Number	Email Address (if available)	

**B. Defendant Information**

To the best of your ability, provide addresses where each defendant may be served. If the correct information is not provided, it could delay or prevent service of the complaint on the defendant. Make sure that the defendants listed below are the same as those listed in the caption. (Proper defendants under employment discrimination statutes are usually employers, labor organizations, or employment agencies.) Attach additional pages if needed.

Defendant 1: New York Presbyterian Hospital

Name

177 Fort Washington Avenue

Address where defendant may be served

<u>New York</u>	<u>N.Y.</u>	<u>10032</u>
County, City	State	Zip Code

Defendant 2:

Name

Address where defendant may be served

County, City

State

Zip Code

Defendant 3:

Name

Address where defendant may be served

County, City

State

Zip Code

**II. PLACE OF EMPLOYMENT**

The address at which I was employed or sought employment by the defendant(s) is:

New York Presbyterian Hospital

Name

177 Fort Washington Avenue

Address

New YorkN.Y.10032

County, City

State

Zip Code

**III. CAUSE OF ACTION****A. Federal Claims**

This employment discrimination lawsuit is brought under (check only the options below that apply in your case):

- ☐ **Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e to 2000e-17, for employment discrimination on the basis of race, color, religion, sex, or national origin**

The defendant discriminated against me because of my (check only those that apply and explain):

☒ race:I was Paid differently because I am black etd☐ color:☐ religion:☐ sex:☒ national origin:I was treated and Paid differently because of my Nationality and Race

- ☐ **42 U.S.C. § 1981**, for intentional employment discrimination on the basis of race

My race is: Black

- ☒ **Age Discrimination in Employment Act of 1967**, 29 U.S.C. §§ 621 to 634, for employment discrimination on the basis of age (40 or older)

I was born in the year: 1976

- ☐ **Rehabilitation Act of 1973**, 29 U.S.C. §§ 701 to 796, for employment discrimination on the basis of a disability by an employer that constitutes a program or activity receiving federal financial assistance

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Americans with Disabilities Act of 1990**, 42 U.S.C. §§ 12101 to 12213, for employment discrimination on the basis of a disability

My disability or perceived disability is: \_\_\_\_\_

- ☐ **Family and Medical Leave Act of 1993**, 29 U.S.C. §§ 2601 to 2654, for employment discrimination on the basis of leave for qualified medical or family reasons

## B. Other Claims

In addition to my federal claims listed above, I assert claims under:

- ☐ **New York State Human Rights Law**, N.Y. Exec. Law §§ 290 to 297, for employment discrimination on the basis of age, race, creed, color, national origin, sexual orientation, military status, sex, disability, predisposing genetic characteristics, marital status
- ☐ **New York City Human Rights Law**, N.Y. City Admin. Code §§ 8-101 to 131, for employment discrimination on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, sexual orientation, alienage, citizenship status
- ☐ Other (may include other relevant federal, state, city, or county law): \_\_\_\_\_

#### IV. STATEMENT OF CLAIM

##### A. Adverse Employment Action

The defendant or defendants in this case took the following adverse employment actions against me (check only those that apply):

- ☐ did not hire me
- ☒ terminated my employment
- ☐ did not promote me
- ☐ did not accommodate my disability
- ☐ provided me with terms and conditions of employment different from those of similar employees
- ☒ retaliated against me
- ☒ harassed me or created a hostile work environment
- ☐ other (specify): \_\_\_\_\_

##### B. Facts

State here the facts that support your claim. Attach additional pages if needed. You should explain what actions defendants took (or failed to take) *because of* your protected characteristic, such as your race, disability, age, or religion. Include times and locations, if possible. State whether defendants are continuing to commit these acts against you.

Please See attachment

As additional support for your claim, you may attach any charge of discrimination that you filed with the U.S. Equal Employment Opportunity Commission, the New York State Division of Human Rights, the New York City Commission on Human Rights, or any other government agency.

## V. ADMINISTRATIVE PROCEDURES

For most claims under the federal employment discrimination statutes, before filing a lawsuit, you must first file a charge with the U.S. Equal Employment Opportunity Commission (EEOC) and receive a Notice of Right to Sue.

Did you file a charge of discrimination against the defendant(s) with the EEOC or any other government agency?

☒ Yes (Please attach a copy of the charge to this complaint.)

When did you file your charge? 02/19/2022

☐ No

Have you received a Notice of Right to Sue from the EEOC?

☒ Yes (Please attach a copy of the Notice of Right to Sue.)

What is the date on the Notice? 06/30/2022

When did you receive the Notice? 06/30/2022

☐ No

## VI. RELIEF

The relief I want the court to order is (check only those that apply):

☐ direct the defendant to hire me

☐ direct the defendant to re-employ me

☐ direct the defendant to promote me

☐ direct the defendant to reasonably accommodate my religion

☐ direct the defendant to reasonably accommodate my disability

☒ direct the defendant to (specify) (if you believe you are entitled to money damages, explain that here)

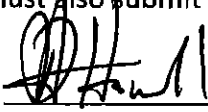
I would like to sue for \$25,000,000. for  
lost wages, failure for them to pay me right  
differential etc.

**VII. PLAINTIFF'S CERTIFICATION**

By signing below, I certify to the best of my knowledge, information, and belief that: (1) the complaint is not being presented for an improper purpose (such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation); (2) the claims are supported by existing law or by a nonfrivolous argument to change existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Federal Rule of Civil Procedure 11.

I agree to notify the Clerk's Office in writing of any changes to my mailing address. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Each Plaintiff must sign and date the complaint. Attach additional pages if necessary. If seeking to proceed without prepayment of fees, each plaintiff must also submit an IFP application.

<u>08/25/2022</u>		<u></u>
Dated		Plaintiff's Signature
<u>Dean</u>	<u>-</u>	<u>McEachron-Howell</u>
First Name	Middle Initial	Last Name
<u>47 Point Street, Apt 2C</u>		
Street Address		
<u>Yonkers</u>	<u>N.Y</u>	<u>10701</u>
County, City	State	Zip Code
<u>347 876 0503</u>	<u>deanmceachron@yahoo.com</u>	
Telephone Number	Email Address (if available)	

I have read the attached Pro Se (Nonprisoner) Consent to Receive Documents Electronically:

☒ Yes    ☐ No

If you do consent to receive documents electronically, submit the completed form with your complaint. If you do not consent, please do not attach the form.

~~Section IV~~  
**Paragraph B. Facts**

I Deon Mceachron-howell have reason to believe that I was retaliated and discriminated against based on my race (black), age (40+) and national origin (Jamaican) by my former employer NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA). My employment at NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA) began on March 25, 2019, as Nursing Assistant.

When I started working at New York-Presbyterian Hospital on March 25, 2019, my manager was Jimmy B. (Guyanese; 40's) and there was no problem. Then, Christine Demo (white; early 30's) took over as Float Pool Manager and started treating me differently than how she would treat people of a different race, such as Elda (white 20's) who asked me why I was still on night shift and that Christine will accommodate my school schedule like she is doing for her. She said if she had class in the morning Christine would make her work in the evening and vice versa. I have been asking Christine for a change of shift from June 2020 and she refused me while there were women and men of Spanish and Caucasian decent who came to work at Presbyterian after me and after three-month probation they were transferred to morning or evening shift. On October 26, 2020, after she emailed to asked who wanted to change their shift and I responded she told me she did not have any fulltime shift for me. I had to take the union and fought to get my shift change.

In March of 2020, during the uprise of covid19, I was not being giving any mask and was to sit with patients who are covid positive. After seeing so many people dying, I became even more scared, and I report that I was not being giving any mask and nothing was done. After Elda (Caucasian) and Eddie (Spanish) started to complain, an email was sent out that if we were refused mask on the unit, we were to report it to nursing office. On March 24, 2020, I was refused a mask and other protective gears while I was told to sit with a one to one on a full fledge covid19 floor, with a patient who was covid positive. I returned to the nursing office and requested a mask and other protective gears to sit with the covid19 patient, Christine and others told me that I should go and sit with the patient and there was not enough mask and that I chose to work in a hospital. I was astonished, I stood there, and Mathew and others came out of their offices and all of them stood there looking at me. I decided then that I was not going to sit with no more covid 19 patients without the necessary PPE's especially after I saw even coworkers contacted the virus some died and other incubated in hospitals. I pull a chair and they all stand looking at me. Then Jimmy, the former manager for float pool came there and asked me what was wrong and I told him, he took me to 9hn and gave me some PPE'S. When I returned to the floor to sit with the one-to-one nursing office send up a woman (Spanish 20's) to sit with the patient. The charge nurse (Asian) who refuse to give me a mask and other PPE's gave this woman mask, foot gear, head gear and a gown to put on, then she was told to sit outside.

Fast forward to April 11, 2020, after so many meetings where I was told by Christine that I cannot work in the hospital I need to go home. I wrote an email to her about being locked up in the rooms with covid19 positive patients, with the doors close, not being rotated, unable to breath in the N95 mask for 8 hours, no break, not able to drink water, being forced to use the patients' toilets. I also reminded her that Mathew her boss sent out an email that people sitting with one to ones are to be rotated. She denied me any rotation for me to drink water during the eight hours. She then told me to go to WHS. I went to WHS and they told me to get a doctors note for the rotation. I got the doctors note and Christine told the Physician Assistant that she cannot accommodate that letter, and she was to tell me to go home. That said morning I called Christine and asked her what she meant by I am to go home. She



said she will let me know when I was to return to work. So, while the Spanish and Caucasians were being rotated freely, I had to fight for my rotation, and it was a struggle. Because even after I returned to work, I was still being told to sit in these rooms with the door close and was not being rotated.

It has been a series of events in which I was treated differently. On April 30, 2020, I was physically attacked by female employees that were of different ethnic backgrounds and much younger than I am (Shatara; black; early 20's/Suriette; black; early 20's/ Isariya; Spanish; early 20's/Marjorie along with others; Spanish; early 20's). This prevented me from working in peace at the hospital. I immediately reported the attack via email to my manager, Christine. Christine failed to take corrective action and instead made the matter appear to be my fault. Due to the lack of corrective action taken, I continued to experience several moments in which I was harassed, intimidated, and discriminated against by the same group of female employees. For instance, on May 15, 2020, at the clock out machine on the 6<sup>th</sup> floor. Isariya with a host of other women who are Spanish surround the clock and as I approached, they turn around and Isariya saying where she is going, and others were laughing. I had to turn around, then someone told me that we could clock in/out on the 5<sup>th</sup> floor. I could not clock out on the 6<sup>th</sup> floor because of these women, or they would be pointing in my face shouting and threatening me.

On April 30, 2020 I was attacked by Isariya on 9gn, she spit in my face, pointing in my face and threatening me.

On May 29, 2020, whilst working on 6gn Suriette came to the room that I was working after I rung the call bell to be rotated since the patient was positive for tuberculosis. She began telling me that I was not going to be rotated while pointing in my face and saying that I need to go and how much of a drama I was, and they are tired of me.

On August 21, 2020, on 9gn Shatara came to rotate everyone who was on one to one. I went to room 21 since the woman who was with room 40 where I should have been did not want to move, which was something that happen routinely. Shatara came to the room where I was pointing in my face telling me that I need to go and chase me out of the room where I was with a patient on one to one. I went inside the nursing office, and she came in there, keep pointing in my face, telling me I should leave because they do not like, and nobody liked me.

On august 26, 2020, I was attack by Suriette, who came inside a room to give me break, started to point in my face asking me if this is the time, I chose to clean the patient when I should be going on my break. She started to flash her hand across my face saying go on your break, go on your break, because you are not going to spoil the break time. I walked away. After I returned from break, she was pointing in my face again saying, that I went away and leave the patient dirty, and I should make sure the patient is clean while when am sitting while pointing in my face with her dirty hand. The attacks continued until December 2021. January 2022 Christine told me that I should be free to walk now because some of the women turn nurses and went to other hospitals and others applied to other units.

On September 22, 2020, I reported the matter to Christine, who then took me to the Human Resources manager Lorenzo (white/Spanish; 30's) who said: - as you know my first language is Spanish, and I don't understand when you speak, because 1. you are wearing a mask 2. and you have an accent, and I don't understand normal English. Christine defended him. However, I was able to explain to him the situation between myself and the other female employees. Lorenzo, then stated "Deon you are to be mindful how you come off to these girls, because they don't like you and they don't have to like you. You came here and saw them, and they are all friends who live in hospital vicinity and if you want to stay here you Deon need to reposition yourself." Christine started to defend him again and my delegate Dennis got into it with both. This is the third time Lorenzo Discriminated against me because of my accent.

On January 22, 2021, I was not given any break on 9gn, I texted the union president Michael Ashby about it, I suddenly saw Christine appear on the unit, trying to explain why I was not given any break. After 6pm that said day, I went on 6gn to do a double shift, Christine came down there to say I was to take a delegate in the morning, when I asked for what, she said for time and attendance and failing to return from break on time. In the meeting with the delegate, she was saying that the time and attendance was me failing to show up at the nursing office for my assignments on time, and this was after she check Kronos and see that I was never late for work. When I asked her what break I returned from late, since I was not getting any break, she said, "oh forget about that." She told a host of lies that were proven to be lies, then after she sent me an email to leave a trail about the meeting. I responded to that email and highlighted her racist behaviors towards me.

January 30, 2021, I put in on 6gs to do overtime, but nursing office whose head is Christine, change the unit to 9 McKeen. After I went there it was a patient who was covid positive they wanted me to sit with. Since I saw the security (Spanish) sitting on the outside, I attempted to sit on the outside too, but I was told by the nurse, that the persons from the nursing office said I should sit in the room. I told her that if I am sitting in the room I must be rotated, she then said we do not have anyone to rotate you and you must sit in the room. I said I will cancel my overtime if that was the case. She then called the nursing office then she called a nurse asked her to tell Lena (Caucasian 20's) to make me sit with the one to one who was not covid because I need to sit inside the room, however, when I went there Lena was sitting outside the room door. The said charge nurse told Lena that since the patient was covid positive she should sit outside the room door with the security. On my break I asked the nurse what's the difference between Lena and I, why I must be in the room with every covid positive patient and Lena and others like her must sit outside the rooms. She said it was nursing office directive and she was there trying to explain things away, also laughing.

November 17, 2020, I was sent on 7gn to sit with a covid19 positive patient, they refuse to rotate me so when I went on break, I went to the next one to one who was not covid19, the woman who was sitting there was Francesca (Caucasian) and I told her to rotate. She contacted the nursing office and Cathy (Caucasian) came up from the nursing office and told me that I was the one who should be sitting in the room with the covid19 positive patient and Francesca is to be with the non-covid19 patient. She further states that Eileen (Spanish) also called and was angry that I rotated without being told to do so. When Eileen came to work that morning, she calls me and asked me what happen last night, I then asked her what's the difference between Francesca and I was why I can sit in the room with the covid patient, and she is not allowed to. She said and you know they should have told you that you could sit outside, I don't know why they did not tell you. I returned to that floor several time and the same situation happens repeatedly.

I emailed Dr. Corwin (CEO; white; 50's) about all the situation listed above and more on February 3, 2021, asking for help. After the email to Dr. Corwin, Mathew (white; 30's) Christine's boss visited me on several units on February 12, 22, 18, 23, 2021, telling me that this is my last chance at Presbyterian Hospital, and he also mentioned an email I wrote to Christine about her discriminatory actions and the email I sent to Dr. Corwin. I was given three days suspension in March by Mathew after I was feeling sick from not given break earlier that day and I told the charge nurse and the patient nurse to stay with him after calling the nursing office and was told to go home. Mathew also told me again after laying down the three days suspensions that this will be my final warning and suspension. He charges me with abandonment of the patient, saying I cannot leave the patient with his nurse, I should have waited for a Nursing Assistant to come. Mine you that even after returning for the suspension it was nurse and PCD who come to break me to go home and sometimes for the few breaks given.

On July 19, 2021, Unit Clerk, Merna (white; Spanish; 40's) told me not to touch her because she didn't want my black energy. I was chased through the hospital by Nadine Couch (Patient Care Director; white; 50's) on May 27, 2021, telling me, "Do you know you are not free to move about in this hospital?" she followed behind me repeating those same words.

On October 8, 2021, I was sent to work on 9hn and was not given any break. When I asked the charge nurse what happen to my break, she told me that Nadine Couch (PCD) told her that she would send someone to break me. I texted Christine after 2pm to find out what was going on with my break, she was defending the PCD and telling me that I should not be getting 1 hour break and being all defensive about why I will not be paid for a no break just as the other times when I was not given break. On that said day I never receive any break. The techs on the floor came there and said they were coming to break me, and they were told not to because Nadine said that she was sending someone to break me. After 3pm Nadine came to the room, apologizing saying she send someone, but they misread her communication, when I was relieved to go home and went outside the hallway, I saw Nadine Couch and Lorenzo at the nursing station. I was not paid either for this break as all the other missed breaks.

There are many more instances that I was faced with discrimination of either one or the other, I was suspended, three times once after starting work at 3pm on the said Nadine Couch unit (Caucasian) was not given any break. Nursing office told me to stay there and do my other shift, Shatara was sent to break me minutes to five in the morning, and even then, she was pointing in my face. I returned from break late and was given two days suspension, and I still was not paid for the break that was not given earlier in that said day. I was written up after my shift had ended and my phone was on the desk in the back of the unit, when all the nurses who were Caucasian and Spanish was walking around on their personal phone, Adam who cause me to be written up looked at one of them and she put her phone in her pocket. I was suspended after Terressa Salsado refused helping me during the attack of Isayria and I put it in the report, after the meeting with Christine, I was placed on the said unit 9gn and the said Teresa came there with her friend who was a nurse and told lies that I was sleeping. When I told them to check the camera and talk to the people who was sitting beside me, Mathew and Christine said the cameras were not working and they do not know who was besides me. I was also told by Mathew, Christine and Lorenzo, that I should have been sitting in the room with the covid19 patient even though on that unit they do not allow anyone to sit in the rooms after so many workers from that unit had contracted the virus and was sick in the hospital incubated. When I told them that no one else was

sitting in these room Mathew and Christine said, but you are not everyone. When I was called by Lorenzo, he also told me that I was not everyone and that they would have to take disciplinary measures against me. I told him I have a document from the PCD signed by the head of the hospital which states that no one should be sitting in these room, I had to email it to him as proof. They all then said that I must sit in all covid 19 patients room. They still went ahead and give me one day suspension on the allegation that I was sleeping. I was also told by Christine and Mathew that I should come to work even though I was suspended. After which I observed that someone when into kronos and put me in for sick, so I was not paid for the full shift that I worked. I wrote to Dr. Corwin about this too.

On November 30, 2021, I was informed via email from Anne Marie (supervisor) not to return to work due to an alleged patient safety issue. However, nothing happened to any patient (s) under my supervision. My employment was then wrongfully terminated. NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA) accused me of being on my phone with my back turned when a patient unscrewed an IV.

I was put on 9gn to work, and they told me to go sit with a covid19 patient but there were no n95, after I reported this to Christine and Matthew, I was told that I do not need an N95 to sit with a covid 19 patients unless they were on ventilators.

When I do over time Christine refused to pay me night differential while she pays Edward (Spanish) and Brianna ( white) differential, she refuse paying me for over a year.

Based on the above, I believe that I was discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended.

EEOC Form 5 (11/09)

<b>CHARGE OF DISCRIMINATION</b>  This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.	Charge Presented To: _____  EEOC  FEPA	Agency(ies) Charge No(s):  <b>520-2021-02472</b>
<b>New York State Division Of Human Rights</b> <i>State or local Agency, if any</i>		and EEOC

Name (indicate Mr., Ms., Mrs.) <b>Mrs. Deon Mceachron-howell</b>	Home Phone <b>(347) 876-0503</b>	Year of Birth <b>1976</b>
Street Address <b>47 Point Street Apt 2c YONKERS, NY 10701</b>		

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name <b>NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA)</b>	No. Employees, Members <b>501+ Employees</b>	Phone No.
Street Address <b>177 Fort Washington Avenue NYC, NY 10032</b>		

Name	No. Employees, Members	Phone No.
Street Address		
City, State and ZIP Code		

DISCRIMINATION BASED ON  <b>Retaliation, National Origin, Race</b>	DATE(S) DISCRIMINATION TOOK PLACE  Earliest <b>05/27/2021</b>  Latest <b>12/02/2021</b>
--	---

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I Deon Mceachron-howell have reason to believe that I was retaliated and discriminated against based on my race (black), age (40+) and national origin (Jamaican) by my former employer NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA). My employment at NEW YORK PRESBYTERIAN HOSPITAL MILSTEIN (COLUMBIA) began on March 25, 2019, as Nursing Assistant. When I started working at New York-Presbyterian Hospital on March 25, 2019, my manager was Jimmy B. (Guyanese; 40's) and there was no problem. Then, Christine Demo (white; early 30's) took over as Float Pool Manager and started treating me differently than how she would treat people of a different race, such as Elda (white; 20's). Elda asked me why I was still on night shift and that Christine will accommodate my school schedule like she is doing for her. She said if she had class in the morning Christine would make her work in the evening and vice versa. I have been asking Christine for a change of shift from June 2020 and she refused me while there were women and men of Spanish and Caucasian decent who came after me and was transferred to morning or evening shift after probation. It has been a series of events in which I was treated differently. On April 30, 2020, I was physically attacked by female employees that were of different ethnic backgrounds and much younger than I am (Shatira; black; early 20's/Syriad; black; early 20's/ Esaria; Spanish; early 20's/Marjorie; Spanish; early 20's). This prevented me from working in peace at the hospital. I immediately reported the

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

**Digitally Signed By: Mrs. Deon Mceachron-howell**

**02/19/2022**

*Charging Party Signature*

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)



## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

New York District Office  
33 Whitehall St, 5th Floor  
New York, NY 10004  
(929) 506-5270  
Website: [www.eeoc.gov](http://www.eeoc.gov)

---

### **DETERMINATION AND NOTICE OF RIGHTS**

(This Notice replaces EEOC FORMS 161 & 161-A)

Issued On: 06/30/2022

To: Mrs. Deon Mceachron-howell  
47 Point Street Apt 2c  
YONKERS, NY 10701

Charge No: 520-2021-02472

EEOC Representative: D. Young  
Investigator

---

### **DETERMINATION OF CHARGE**

The EEOC issues the following determination: The EEOC will not proceed further with its investigation and makes no determination about whether further investigation would establish violations of the statute. This does not mean the claims have no merit. This determination does not certify that the respondent is in compliance with the statutes. The EEOC makes no finding as to the merits of any other issues that might be construed as having been raised by this charge.

### **NOTICE OF YOUR RIGHT TO SUE**

This is official notice from the EEOC of the dismissal of your charge and of your right to sue. If you choose to file a lawsuit against the respondent(s) on this charge under federal law in federal or state court, **your lawsuit must be filed WITHIN 90 DAYS of your receipt of this notice.** Receipt generally occurs on the date that you (or your representative) view this document. You should keep a record of the date you received this notice. Your right to sue based on this charge will be lost if you do not file a lawsuit in court within 90 days. (The time limit for filing a lawsuit based on a claim under state law may be different.)

If you file a lawsuit based on this charge, please sign-in to the EEOC Public Portal and upload the court complaint to charge 520-2021-02472.

On behalf of the Commission,

Digitally Signed By: Judy Keenan  
06/30/2022

---

Judy Keenan  
District Director



Enclosure with EEOC Notice of Closure and Rights (01/22)

**INFORMATION RELATED TO FILING SUIT  
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court **under Federal law**. If you also plan to sue claiming violations of State law, please be aware that time limits may be shorter and other provisions of State law may be different than those described below.)*

**IMPORTANT TIME LIMITS – 90 DAYS TO FILE A LAWSUIT**

If you choose to file a lawsuit against the respondent(s) named in the charge of discrimination, you must file a complaint in court **within 90 days of the date you receive this Notice**. Receipt generally means the date when you (or your representative) opened this email or mail. You should **keep a record of the date you received this notice**. Once this 90-day period has passed, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and the record of your receiving it (email or envelope).

If your lawsuit includes a claim under the Equal Pay Act (EPA), you must file your complaint in court within 2 years (3 years for willful violations) of the date you did not receive equal pay. This time limit for filing an EPA lawsuit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, your lawsuit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA period.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Filing this Notice is not enough. For more information about filing a lawsuit, go to <https://www.eeoc.gov/employees/lawsuit.cfm>.

**ATTORNEY REPRESENTATION**

For information about locating an attorney to represent you, go to:  
<https://www.eeoc.gov/employees/lawsuit.cfm>.

In very limited circumstances, a U.S. District Court may appoint an attorney to represent individuals who demonstrate that they are financially unable to afford an attorney.

**HOW TO REQUEST YOUR CHARGE FILE AND 90-DAY TIME LIMIT FOR REQUESTS**

There are two ways to request a charge file: 1) a FOIA Request or 2) a Section 83 request. You may request your charge file under either or both procedures. EEOC can generally respond to Section 83 requests more promptly than FOIA requests.

Since a lawsuit must be filed within 90 days of this notice, please submit your request for the charge file promptly to allow sufficient time for EEOC to respond and for your review. Submit a signed written request stating it is a "FOIA Request" or a "Section 83 Request" for Charge Number 520-2021-02472 to the District Director at Judy Keenan, 33 Whitehall St 5th Floor

New York, NY 10004.

You can also make a FOIA request online at <https://eeoc.arkcase.com/foia/portal/login>.

Enclosure with EEOC Notice of Closure and Rights (01/22)

You may request the charge file up to 90 days after receiving this Notice of Right to Sue. After the 90 days have passed, you may request the charge file only if you have filed a lawsuit in court and provide a copy of the court complaint to EEOC.

For more information on submitting FOIA Requests and Section 83 Requests, go to:

<https://www.eeoc.gov/eeoc/foia/index.cfm>

---